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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/711,598                      09/28/2004                      Brian Clark                      24.0914                      5597

23718                      7590                      02/14/2007  
SCHLUMBERGER OILFIELD SERVICES  
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MD 200-9  
SUGAR LAND, TX 77478

EXAMINER
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ANDREWS, DAVID L

ART UNIT	PAPER NUMBER
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3672

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS                      02/14/2007                      PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/711,598

Applicant(s)

CLARK ET AL.

Examiner

David Andrews

Art Unit

3672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1)  Responsive to communication(s) filed on 20 December 2006.
- 2a)  This action is **FINAL**.                      2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4)  Claim(s) 1-11 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 1-11 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on 20 December 2006 is/are: a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \*    c)  None of:
1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5)  Notice of Informal Patent Application
- 6)  Other: \_\_\_\_\_

### DETAILED ACTION

The amendment dated 12/20/2006 has been entered.

#### *Drawings*

The original objections to the drawings are withdrawn in view of replacement sheets submitted 12/20/2006. However, the new drawings have an informal appearance (stray marks, poor quality lines and numbers, etc.) and are therefore also objected to.

#### *Specification*

The original objections to the disclosure is are withdrawn, however the examiner has noticed a further informality, on page 4, the first paragraph contains the number "14,4000,000" which needs correction.

#### *Response to Arguments*

Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.

#### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Ellis (US 4,048,495). Ellis discloses a downhole tool and method for reducing stand-off effects comprising: an energy source (19), a receiver (20 or 21), at least one outwardly

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moveable section disposed between the energy source and the receiver (23; it is noted that applicant argues in the remarks filed 12/20/2006 that "it is known to provide a detector on an articulated pad that is moveable" and that "such a 'moveable section' could not be construed as being disposed between the receiver and an energy source if the detector is on the moveable articulated pad", however the examiner disagrees with such an assertion; as the section 23 is moveable and is disposed between the source 19 and detector 21, the description as claimed is met), an activation mechanism for deploying the moveable section to move outwardly to fill the gap (18 as shown in figure 1) between the tool and the wall of the borehole and reducing the thickness of a mud layer or mudcake (as deployed in figure 1 shows reduction of mudcake layer 14; as the entire disclosure of Ellis is concerned with reducing and calculating stand-off effects, the figure alone is considered as teaching the reducing of a mudcake layer by deploying an outwardly moveable section), wherein the downhole tool is a wireline tool (on cable 11), wherein the tool is a gamma-ray density tool (column 3, lines 62+), wherein the activation mechanism is mechanical (actuated arms 18; column 3, lines 52-54), and wherein the moveable section is attached to the tool by a hinge (shown on ends of arms 18 and inherently within tool body 10 on opposite arm ends).

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Spross et al. (US 5,451,779) in view of Ellis. Spross et al. disclose a downhole tool comprising:

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an energy source (16 in figure 2) and a receiver (12 or 14 in figure 2) both deployed on non-moveable parts of the downhole tool, but do not disclose the feature of the tool having at least one moveable section disposed between the energy source and the receiver, or an actuation mechanism for such a section. Ellis however does disclose those features on his downhole tool comprising: at least one outwardly moveable section disposed between the energy source and the receiver (23), and an activation mechanism for deploying the moveable section to move outwardly to fill the gap (18 as shown in figure 1) between the tool and the wall of the borehole and reducing the thickness of a mud layer or mudcake (as deployed in figure 1 shows reduction of mudcake layer 14; as the entire disclosure of Ellis is concerned with reducing and calculating stand-off effects, the figure alone is considered as teaching the reducing of a mudcake layer by deploying an outwardly moveable section). It would have been obvious to one of ordinary skill in the art at the time of invention to combine the downhole tool of Spross et al. with the tool and teachings of Ellis in order to reduce the layer of mudcake (as shown in figure 1 of Ellis) to obtain higher accuracy measurements.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Andrews whose telephone number is (571) 272-6558. The examiner can normally be reached on Monday-Thursday, 7:30am-5pm and alternate Fridays.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on (571) 272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

David Bagnell  
Supervisory Patent Examiner  
Art Unit 3672

DLA  
2/8/07

  
Jennifer H. Gay  
Primary Examiner